

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-216-8FL

UNITED STATES OF AMERICA,)
)
)
)
v.) **UNITED STATES' RESPONSE TO**
) **MOTION OF DEFENDANT YAGHI**
ZIYAD YAGHI) **TO COMPEL 404(b) EVIDENCE**
) (D.E. 830)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby responds to defendant ZIYAD YAGHI's motion for production of 404(b) evidence (D.E. 830), and states unto the Court:

Defendant YAGHI, in substantially the same manner as defendants HASSAN, SHERIFI, and SUBASIC before him, moves the Court to compel the United States to immediately identify what evidence it may present as 404(b) evidence at trial. YAGHI also requests the Government provide a copy of YAGHI's complete criminal history in addition to the 404(b) evidence¹.

In response, the government hereby incorporates and realleges its response in opposition to such motion, as filed at D.E. 861 in response to those motions filed previously by other defendants. In sum, the deadlines in place require the Government to file a 404(b) motion/notice to use such evidence by May 30, 2011, with June 20, 2011, as the defendants' deadline to respond thereto. As the

¹The defendant's criminal history is provided counsel this date under separate cover.

Court's schedule already includes a date by which the government must provide such notice, the defendant's motion is without merit.

For the reasons stated here and within the incorporated response at D.E. 861, defendant's Motion to Produce 404(b) material should be denied.

Respectfully submitted this 11th day of March, 2011.

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CERTIFICATE OF SERVICE

This is to certify that I have this 11th day of March, 2011, served a copy of the foregoing upon counsel for the defendants in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF system which will send notification of such filing to:

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